



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU ANNOUNCES AFFORDABLE CONNECTIVITY PROGRAM HIGH-COST AREA BENEFIT APPLICATION SUBMISSION TIMING AND PROCESSES

WC Docket No. 21-450

In the *ACP Sixth Report and Order*, the Federal Communications Commission (Commission), as required by the Infrastructure Investment and Jobs Act (Infrastructure Act), established a mechanism by which a participating provider in the Affordable Connectivity Program (ACP) can apply to offer an enhanced monthly discount of up-to-\$75 for broadband services to ACP-enrolled households in a high-cost area, upon the provider's showing of particularized economic hardship.<sup>1</sup> Through this Public Notice, the Wireline Competition Bureau (Bureau) provides additional information on the application process and announces that ACP providers may begin submitting applications on Wednesday, January 17, 2024 seeking approval to offer the high-cost area benefit in a given area.<sup>2</sup>

As directed by the Infrastructure Act and set forth in the *ACP Sixth Report and Order*, providers that seek to offer the high-cost area benefit must be facilities-based providers<sup>3</sup> operating in a high-cost area designated by the National Telecommunications and Information Administration (NTIA).<sup>4</sup> In applying to offer the high-cost area benefit, providers must submit to the Universal Service Administrative Company (USAC) documentation demonstrating particularized economic hardship in the high-cost area(s) where they are seeking to offer the high-cost area benefit. This documentation includes an income statement, a supporting affidavit, and any applicable federal tax filings or returns

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<sup>1</sup> 47 U.S.C. § 1752(a)(7)(B) (directing the Commission to establish a mechanism by which a provider can offer the ACP high-cost area benefit); *Affordable Connectivity Program*, WC Docket No. 21-450, Sixth Report and Order, FCC 23-62, at 1, para. 1 (rel. Aug. 4, 2023) (*ACP Sixth Report and Order*) (noting that “[t]he Infrastructure [Investment and Jobs] Act recognizes that in certain high-cost areas of the country, offering broadband service to ACP eligible households at the standard up-to-\$30 monthly benefit level could lead providers to experience particularized economic hardship such that the provider may not be able to maintain the operation of part or all of its broadband network”).

<sup>2</sup> The Commission directed the Wireline Competition Bureau to announce within 90 days of the release of the high-cost areas by the National Telecommunications and Information Administration (NTIA) the date at which ACP participating providers may begin submitting applications for offering the high-cost area benefit. *ACP Sixth Report and Order* at 12, para. 31. NTIA posted the high-cost areas on its website on August 3, 2023. See NTIA, BEAD Allocation Methodology, <https://internetforall.gov/program/broadband-equity-access-and-deployment-bead-program/bead-allocation-methodology> (last visited Oct. 26, 2023).

<sup>3</sup> *ACP Sixth Report and Order* at 7-8, para. 18 (defining facilities-based provider consistent with the Commission's rules regarding the Form 477 collection to include provider-owned physical facilities and wireless spectrum); see 47 CFR § 1.7001(a)(2)(i)-(v) (defining facilities-based provider).

<sup>4</sup> 47 CFR § 54.1814(b).

demonstrating operating loss in the high-cost area.<sup>5</sup> The supporting affidavit must include revenue and cost allocations and a description of the methodology employed consistent with Commission rules.<sup>6</sup> A participating provider's application must also include certifications from a company officer with knowledge of the provider's cost and revenues.<sup>7</sup> A provider will also need to specify whether it has previously applied for federal financial assistance in the three fiscal years prior to the provider's application.<sup>8</sup> Providers will be required to submit an application form alongside the supporting affidavit, income statements, and other required documents via e-mail to USAC. USAC will provide additional information about the application process and required documentation, including training and educational materials, prior to the January 17, 2024, start date for accepting applications. Providers will be required to certify to the accuracy of any statements or documents submitted as part of the ACP high-cost area benefit application process. As required under the *Sixth Report and Order*, USAC will inform providers in writing about the determination on their application and will also publicly issue information on which providers are approved to offer the high-cost area benefit and the high-cost areas where they are approved to offer it.<sup>9</sup>

We remind providers that the Commission may suspend or remove a participating provider from the ACP for a variety of reasons, including violations of the rules or requirements of the ACP or any action that indicates a lack of business integrity or undermines the integrity of the program.<sup>10</sup>

For further information about the *Public Notice*, contact Travis Hahn, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or by email at [Travis.Hahn@fcc.gov](mailto:Travis.Hahn@fcc.gov).

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<sup>5</sup> *Id.* at § 54.1814(b)(2).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at § 54.1814(b)(3).

<sup>8</sup> 47 CFR § 54.1814(b)(1)(i).

<sup>9</sup> *ACP Sixth Report and Order* at 12, paras. 31-32.

<sup>10</sup> *See* 47 CFR § 54.1801(e)(2).